

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DONALD W. WHITEHEAD,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 5:08-cv-193 (CAR)
v.	:	
	:	
HALE EDWARD BURNSIDE,	:	
	:	
Defendant.	:	
	:	
_____	:	

**ORDER ON THE RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 47] to grant Defendants' Motion for Summary Judgment [Doc. 41]. Plaintiff has filed an Objection [Doc. 49] to the Recommendation. The Court in turn has reviewed the Objection and has conducted a *de novo* review of the Motion. After careful consideration of the arguments of the parties and of the evidentiary materials filed by the parties, the Court finds that there are no genuine issues of material fact and that Defendant is entitled to judgment as a matter of law. Accordingly, the Recommendation [Doc. 47] is hereby **ADOPTED AND MADE THE ORDER OF THE COURT**, and Defendants' Motion for Summary Judgment [Doc. 41] is **GRANTED**.

In this case, Plaintiff contends that Defendant Dr. Burnside was deliberately

indifferent to his serious medical needs by (1) refusing to give authorization to the emergency room physician for Plaintiff to receive knee surgery, and (2) denying Plaintiff pain medication and refusing to examine his knee when Plaintiff was back at Mens State Prison. Despite Plaintiff's attempts, he has failed to create any genuine issue of material fact on his claims. The objective evidence undeniably establishes that Dr. Burnside neither refused to assist Plaintiff in receiving medical attention or to care for Plaintiff's medical needs. Plaintiff's objection contains conclusory and insufficiently supported arguments similar to those contained in his earlier pleadings which have been addressed in the Recommendation.

It is **SO ORDERED** this 25th day of March, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

SSH